

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARJORIE MILLS-DIXON,

Plaintiff(s),

- against -

WHITE CASTLE MANAGEMENT CO., and
WHITE CASTLE SYSTEM, INC.,

Defendants.
-----X

Civil Action No.:
08-CV-0973(LAP) (KNF)

**MANDATORY DISCLOSURE
PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 26(a)**

Defendant(s), WHITE MANAGEMENT CO. and WHITE CASTLE SYSTEM, INC., by
its attorneys, SOBEL & KELLY, P.C., pursuant to Federal Rule of Civil Procedure 26(a)
makes the following disclosure:

(A) the name and, if known, the address and telephone number of each individual
likely to have discoverable information relevant to disputed facts alleged with particularity
in the pleadings, identifying the subjects of the information.

Upon information and belief, set forth below are the names, and if known the
telephone numbers and addresses of each individual that the disclosing party may use to
support its claims or defenses:

1. **NAMES OF WITNESSES:** Defendant does not believe that any White
Castle System, Inc., employees were eye witnesses to this incident. Sheyla
Commacho is the defendant-employee to whom this accident was reported.

(B) A copy of, or a description by category and location of, all documents, data
compilations, and tangible things in the possession, custody, or control of the party that are
relevant to disputed facts alleged with particularity in the pleadings.

1. **Accident/Incident Report:** None.

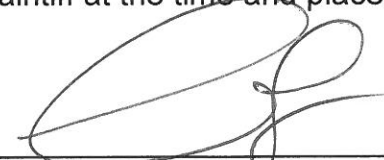
2. **Other unidentified Store Employees who may have been a witness (notice of eyewitness) or may testify to Videotape/DVR procedures:** Unknown.

(C) A computation of any category of damages claimed by the disclosing party making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered: None.

(D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

- (1) **Insurance:** Defendant(s) WHITE CASTLE MANAGEMENT CO. and WHITE CASTLE SYTEM, INC. are self insured.
- (2) **Disclosure of Expert Witnesses/Testimony:** None retained to date, however, defendant reserves its right to retain an expert witness and make disclosure if and when said expert(s) have been retained.
- (3) **Pretrial disclosures** - Annexed hereto is a photograph of a woman believed to be the plaintiff at the time and place of her accident.

Dated: Huntington, New York
June 9, 2008



SOBEL & KELLY, P.C.
BY: Curtis Sobel
Attorney for Defendants
WHITE CASTLE MANAGEMENT CO.
WHITE CASTLE SYSTEM, INC.
464 New York Avenue Suite 100
Huntington, New York 11743
(631) 549-4677
File No.: WC 10009-08

TO: MARK B. RUBIN, ESQ.
Attorney for Plaintiff, MARJORIE MILLS-DIXON
3413 WHITE PLAINS ROAD
BRONX, NEW YORK 10467
(718) 231-1515



10/26/2007 10:05:25 AM RTZ (GMT-05:00)

DECLARATION OF SERVICE BY MAIL

DECLARATION OF SERVICE BY MAIL

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

LuANN DeSIMONE hereby declares, pursuant to 28 U.S.C., Section 1746 and Local Civil Rule 1.10 of this Court, that I am not a party to the action; I am over 18 years of age and reside at Middle Island, NY 11953

On June 9, 2008, I served the within **MANDATORY DISCLOSURE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)** by depositing a true copy of the same enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, addressed to each of the following persons at the last known address set forth after each name:

TO:

MARK B. RUBIN, ESQ.
3413 WHITE PLAINS ROAD
BRONX, NEW YORK 10467

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 9, 2008


LuANN DeSIMONE